

~~CONFIDENTIAL~~
THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Mexico - Marginal sea

812.0145/7-2148

No. 1202

Mexico, D. F., July 21, 1948.

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Subject: Report on Proposed Amendment to the
Constitution of Mexico Asserting Control over
areas beyond the Nine-Mile Limit.

The Honorable
The Secretary of State,
Washington, D. C.

Sir:

I have the honor to refer to the Department's restricted instruction dated July 8, 1948, concerning the present status of the Mexican policy concerning fisheries jurisdiction in its coastal waters beyond nine miles. The Embassy is requested to furnish a report with regard to the proposed amendment to the Constitution of Mexico which asserts controls over areas beyond the nine-mile limit. The Embassy is also requested to comment upon the Department's plan to answer inquiries along the lines described in the fifth paragraph of the Department's instruction under reference.

Mr. Milton J. Lindner has furnished the Embassy with a confidential memorandum, four copies of which are enclosed herewith, which is believed to answer the five questions contained in the second paragraph of the Department's instruction.

The Embassy concurs with the Department in its belief that while it is desirable to provide the industry with the fullest information possible, it is believed the publication in the United States of statements on this general subject might have diplomatic repercussions in Mexico and might bring about the adoption of the amendment to the Constitution sooner than would ordinarily be expected. The Embassy suggests therefore that the Department might wish to consider the advisability of omitting any mention of point 2; namely, that the Department does not recognize with respect to fisheries any claim of the Mexican Government to general jurisdiction over the waters of its continental shelf. The Embassy bases its belief that the omission of this point would be desirable upon the fact that up to the present date Mexico has made no definite claim to jurisdiction over the waters of its continental shelf in that the amendment, although passed by both houses of Congress, has not yet been approved by the States and, therefore, is not in effect. It is believed that points 1 and 3, in stating that the Department does not recognize the right of the Mexican Government to interfere with United States fishing vessels on the high seas beyond the three-mile limit, sufficiently cover the situation to warrant the omission of any mention of the continental shelf at this time. As stated in Mr. Lindner's memorandum referred to above, it is believed that the amendment in question has been pigeonholed at a very high level and that the prospects for further action do not appear to be particularly great at this time. The Embassy therefore believes that any mention made by the Department of the general question of the claim of the Mexican Government to jurisdiction over the waters of its continental shelf might only serve to bring about the further consideration and possible adoption of the amendment.

Respectfully yours,

Enclosures:

Copy of memo in quad.

TGBelcher:pm
cc Div. of Mexican Affairs.

For the Ambassador:

/s/ Taylor G. Belcher
/t/ Taylor G. Belcher

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